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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
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10/628,166

07/28/2003

Terry M. Martin

200208612-1

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EXAMINER

DAILEY, THOMAS J

ART UNIT

PAPER NUMBER

2152

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
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3 MONTHS

04/12/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/628,166

Applicant(s)

MARTIN ET AL.

Examiner

Thomas J. Dailey

Art Unit

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-34 are pending in this application.

Specification

2. The disclosure is objected to because of the following informalities: on page 7, lines 4-5, it reads, "US Patent Application No. _____ entitled "Systems and Methods for Testing Network Services". The blank space needs to be filled in. Appropriate correction is required.

Claim Objections

3. Claim 31 is objected to due to its non-descriptive preamble. The claim recites "A system, comprising..." This is insufficient, as the preamble should establish the environment or objective of the claimed invention.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Claim 2, recites, "wherein intercepting a message sent by a client comprises intercepting a message sent by a network service acting in the capacity of a client." It is unclear how "intercepting a message sent by a client" can possibly comprise "intercepting a message sent by a network service." It seems to be redefining the first interception step, but its redefinition renders the claim indefinite as to what is being intercepted.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Kaler et al (2004/0199586), hereafter "Kaler."
9. As to claim 18, Kaler discloses a system for collecting data regarding network service operation (Abstract), the method comprising:

means for intercepting a message sent by a client and directed to a network service ([0014], lines 7-14, separate message processors are interpreted as both the client and the network service as they are disclosed in [0035], i.e., the one

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sending is the client and the one receiving is the network service with the intercepting occurring when intermediary message processors (means for intercepting) access electronic messages);

means for storing information about the message ([0016], lines 7-11);

means for interjecting instrumentation information into the message ([0016], lines 1-7, session information reads on "instrumentation information"); and

means for transmitting the instrumented message to a destination network service ([0017]).

10. As to claims 1 and 25, they are rejected by the same rationale set forth in claim 18's rejection.

11. As to claims 13, Kaler discloses a method, system for carrying out the method, and a message handler stored on a computer readable medium for collecting data regarding network service operation (Abstract), the method comprising:

receiving a request from a client ([0016], lines 1-7);

intercepting a message sent by a network service and directed to the client ([0014], lines 7-14, separate message processors are interpreted as both the client and the network service as they are disclosed in [0035], i.e., the one sending is the network service and the one receiving is the client with the intercepting occurring when intermediary message processors access electronic messages);

storing information about the message ([0016], lines 7-11); and
transmitting the message to the client ([0017]).

12. As to claim 31, Kaler discloses a system, comprising:

a network service comprising an application program interface (API) that is configured to call a message handler ([0014]);

and a message handler that is called by the API, the message handler being configured to intercept requests sent by the network service and directed to a supporting network service ([0014], lines 7-14, separate message processors are interpreted as both the network service and the directed network service as they are disclosed in [0035], i.e., the one sending is the network service and the one receiving is the directed network service), to store information about the request ([0016], lines 7-11), to interject information into the request ([0016], lines 1-7), to transmit the message to the supporting network service ([0017]), to receive a response from the supporting network service ([0016], lines 1-7), and to store information about the response ([0016], lines 1-7).

13. As to claim 2, Kaler discloses intercepting a message sent by a client comprises intercepting a message sent by a network service acting in the capacity of a client ([0016]).

14. As to claims 3, 4, and 14, Kaler discloses intercepting a message comprises intercepting a message using a message handler that is called by the network service ([0016], lines 1-7) and wherein storing information about the message comprises storing information about the message using the message handler ([0016], lines 7-11).
15. As to claims 5, 15, 20, 26, and 32, Kaler discloses storing information about the message comprises storing information about at least one of a session identification ([0041]).
16. As to claims 6 and 27, Kaler discloses interjecting instrumentation information into the message prior to transmitting the message to the destination network service ([0016]).
17. As to claims 7 and 16, Kaler discloses interjecting instrumentation information comprises interjecting instrumentation information using a message handler that is called by the client ([0016]).
18. As to claim 8, Kaler discloses interjecting instrumentation information comprises adding instrumentation information to a header of the message ([0014], lines 7-14 and [0016], lines 1-7).

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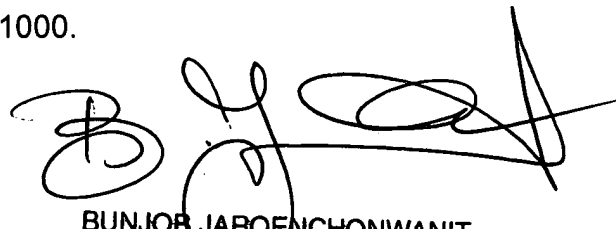
19. As to claims 9, 17, 21, and 28, Kaler discloses interjecting instrumentation information comprises interjecting at least one of a session identification ([0041]).
20. As to claims 10 and 22, Kaler discloses receiving a response from the destination network service and storing data regarding the response ([0016], lines 1-7).
21. As to claim 11, Kaler discloses storing data regarding the response comprises storing data using a message handler that is called by the client ([0016], lines 7-11).
22. As to claims 12, 23, 29, and 33, Kaler discloses storing data regarding the response comprises storing at least one of a session identification ([0041]).
23. As to claim 19, Kaler discloses the means for intercepting a message, for storing information, for interjecting instrumentation, and for transmitting comprise a message handler that is called by the client ([0016]).
24. As to claims 24, 30, and 34, Kaler discloses the message handler is a simple object access protocol (SOAP) message handler ([0014]).

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Conclusion

25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Dailey whose telephone number is 571-270-1246. The examiner can normally be reached on Monday thru Friday; 9:00am - 5:00pm.
26. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
27. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


TJD
4/4/2007


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SUPERVISORY PATENT EXAMINER